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vicentequinataplea

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FILED

DISTRICT COURT OF GUAM

MAY 15 2007

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICENTE S. QUINATA,

Defendant.

CRIMINAL CASE NO. 07-00036

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, VICENTE S. QUINATA, enter into the following plea agreement:

1. The defendant, VICENTE S. QUINATA, agrees to plead guilty to Count I of the Information charging him with Theft of Government Property, in violation of Title 18, United States Code, Sections 641 & 2. Count II of the information will be dismissed upon sentencing.

2. The defendant understands that the maximum sentence for Theft of Government Property in an amount less than \$1,000.00, in violation of 18 U.S.C. § 641, as a Class A misdemeanor as specified in 18 U.S.C. § 3559, is imprisonment for not more than one year and a maximum fine of \$100,000.00 as specified in 18 U.S.C. § 3571, together with any restitution as the court may order, and a \$25 special assessment fee as set forth in 18 U.S.C. § 3013. Any sentence of incarceration may include a term of supervised release of not more than one year as set forth in 18 U.S.C. § 3583(b)(3). If the court revokes a sentence of supervised release, the

1 court may incarcerate the Defendant for not more than one year. The total of \$25 special
2 assessment fee must be paid upon sentencing. The government will recommend that defendant
3 receive the low end of the sentencing guidelines, a fine, and credit for time served, if any.

4 3. If defendant is financially unable to immediately pay the fine in full, defendant agrees
5 to make a full disclosure of his financial status to the United States Attorney's Office by
6 completing a Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment
7 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the
8 debt.

9 4. The defendant understands that to establish a violation of Theft of Government
10 Property, in violation of Title 18, United States Code, Section 641, the government must prove
11 each of the following elements beyond a reasonable doubt:

12 First, that the defendant knowingly and willingly stole property with the intention of
13 depriving the owner of the use or benefit of the property;

14 Second, that the property belonged to the United States; and

15 Third, that the value of the property was less than \$1000.00.

16 5. The defendant understands that the Sentencing Guidelines are advisory only. The
17 Court may still utilize the sentencing guidelines as an aid to determine the sentence to be
18 imposed. The government and the Defendant stipulate to the following facts for purposes of the
19 sentencing:

20 a. The defendant was born in 1954 and is a citizen of the United States.

21 b. That beginning on or about October 2006 and continuing up to on or about December
22 6, 2006, in the District of Guam, the defendant, VICENTE S. QUINATA, willfully and
23 knowingly, did steal and purloin United States property from the Navy Exchange, Guam. That
24 the defendant, VICENTE S. QUINATA, knowingly and willingly stole the property with the
25 intention of depriving the owner of the use or benefit of the property. That property from the
26 Navy Exchange, Guam, is property of the United States. That the value of the United States
27 property stolen and purloined from the Navy Exchange, Guam, was of the value of \$1000.00.

1 That the United States property from the Navy Exchange, Guam, had come into the possession
2 and under the care of the defendant, VICENTE S. QUINATA, by virtue of his employment as a
3 store worker with the Navy Exchange, Guam. VICENTE S. QUINATA would take items to the
4 cash register and pretend to pay for the items by swiping his credit card. Two Navy Exchange
5 employees, Doris T. Castro and Teresita Leon Guerrero, would scan the items at the register and
6 help bag the items for VICENTE S. QUINATA. The defendant, VICENTE S. QUINATA,
7 would then take the property into his possession without paying for it and exit the Navy
8 Exchange, Guam.

9 6. The defendant understands that notwithstanding any agreement of the parties, the
10 United States Probation Office will make an independent application of the Sentencing
11 Guidelines or determine an appropriate sentencing range. The defendant acknowledges that
12 should there be discrepancies in the final Sentencing Guidelines or sentencing range, projected
13 by his counsel or any other person, such discrepancy is not a basis to withdraw his guilty plea.

14 7. The defendant agrees to pay restitution in the amount of \$1000.00 to the Navy
15 Exchange in Guam.

16 8. The defendant agrees to waive any right to appeal or to collaterally attack this
17 conviction. The defendant reserves the right to appeal the sentence actually imposed in this case.

18 9. The defendant acknowledges that he has been advised of his rights as set forth below
19 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
20 had sufficient opportunity to reflect upon, and understands the following:

21 a. The nature and elements of the charge and the mandatory minimum penalty
22 provided by law, if any, and the maximum possible penalty provided by law;

23 b. His right to be represented by an attorney;

24 c. His right to plead not guilty and the right to be tried by a jury and at that trial, the
25 right to be represented by counsel, the right to confront and cross-examine witnesses against him,
26 and the right not to be compelled to incriminate himself, that is, the right not to testify;

1 d. That if he pleads guilty, there will not be a further trial of any kind on the charges to
2 which such plea is entered so that by entering into this plea agreement, he waives, that is, gives
3 up, the right to a trial;

4 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions
5 about the offenses to which he has pled, under oath, and that if he answers these questions under
6 oath, on the record, his answers may later be used against him in prosecution for perjury or false
7 statement if an answer is untrue;

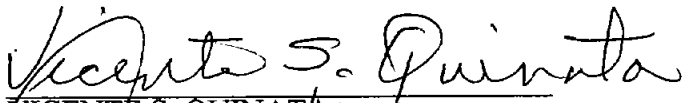
8 f. That he agrees that the plea agreement is voluntary and not a result of any force,
9 threats or promises apart from this plea agreement;

10 g. That he reads, writes and speaks the English language and has no need for an
11 interpreter;

12 h. That he has read the plea agreement and understands it; and

13 i. The Defendant is satisfied with the representation of his lawyer and feels that his
14 lawyer has done everything possible for his defense.

15 DATED: 5/7/07


VICENTE S. QUINATA
Defendant

16 DATED: 5/7/07


CYNTHIA V. ECUBE
Attorney for Defendant

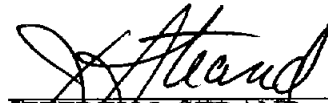
LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

17 DATED: 5/10/07

By: 

TANYA M. CRUZ
Special Assistant U.S. Attorney

18 DATED: 5/14/07


JEFFREY J. STRAND
First Assistant U.S. Attorney